



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: October 20, 2006  
Comment Deadline: January 27, 2007  
Corps Action ID #: 200110096

The Wilmington District, Corps of Engineers (Corps) has received an application from The Potash Corporation of Saskatchewan, Phosphate Inc., Aurora facility (PCS), Post Office Box 48, Aurora, North Carolina, 27806 seeking Department of the Army authorization to impact 2,408 acres of waters of the United States including wetlands and navigable waters to continue its phosphate mining operation on Hickory Point, north of Aurora, Beaufort County, North Carolina. The Corps has been reviewing the request pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act. The Corps has prepared a Draft Environmental Impact Statement (DEIS) pursuant to the National Environmental Policy Act (NEPA), rigorously exploring and objectively evaluating the environmental and socioeconomic impacts of the applicant proposed project and reasonable alternatives.

With this Public Notice, the Corps is soliciting comments on the applicants proposed project and the completeness of DEIS, and announcing a public hearing. A more detailed description of the proposed action, alternatives and proposed compensatory mitigation is provided in the draft EIS. The draft EIS can be reviewed on the Wilmington District Regulatory homepage at, [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands). Written copies are available for viewing at the following library locations:

Hazel Guilford Memorial Library  
524 Main Street  
Aurora, NC

BHM Regional Library  
158 N. Market Street  
Washington, NC

Pamlico County Library  
603 Main Street  
Bayboro, NC

New Bern – Craven County Library  
400 Johnson Street  
New Bern, NC

Written or CD copies may also be obtained by contacting Ms. Alex Rhodes at (910) 251-4633.

## **Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act. The Corps has prepared a Draft Environmental Impact Statement (DEIS) pursuant to the National Environmental Policy Act (NEPA)

## **Location**

The PCS Aurora facility is located on Hickory Point, north of Aurora, Beaufort County, North Carolina. The proposed project area is bordered to the North by the Pamlico River and to the south and east by South Creek.

## **Existing Site Conditions**

The PCS, Aurora facility includes an open pit mining operation that supplies phosphate ore to its onsite manufacturing facilities producing sulfuric acid, phosphoric acid, purified acid, liquid fertilizer, superphosphoric acid, diammonium phosphate, defluorinated phosphate, animal feed and solid fertilizers. Phosphate mining activities began at this site in 1965. On August 27, 1997, PCS was issued a Department of the Army permit to impact 1,268 acres of waters and wetlands to continue its mining operation into the current mine area. The 1997 action is more fully described in the August, 1996 Final Environmental Impact Statement for the Texasgulf Inc. Mine Continuation. The site conditions for the proposed project area and alternative areas are thoroughly described in the draft EIS.

## **Applicant's Stated Purpose**

The applicant's stated purpose and need for this project is to continue mining its phosphate reserve in an economically viable fashion. More specifically, the applicant's stated purpose and need is to implement a long-term systematic and cost-effective mine advance within the project area for the ongoing PCS mine operation at Aurora, NC.

## **Project Description**

PCS is nearing the end of the current mining area and is seeking to continue its mining operation into an adjacent 3,608 acre tract. On November 2, 2000, PCS applied for Department of the Army authorization pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act to continue its phosphate mining operation on the Hickory Point peninsula adjacent the Pamlico River and South Creek once reserves are depleted under the existing permitted area. The Corps circulated a Public Notice describing this application on January 2, 2001 (Action ID No. 200110096). PCS elected to further reduce proposed impacts to waters of the US in response to comments on this Public Notice and submitted a revised permit application on August 13, 2001. The Corps circulated a second Public Notice on October 4, 2001, describing the revised application.

The proposed action includes a request for authorization to impact approximately 2,408 acres of waters of the US including wetlands to continue the mine advance into a 3,412 acre area located adjacent the Pamlico River and several of its tributaries. Waters and wetlands in the proposed impact area are more specifically described in the following table:

### Proposed Impacts:

1. Creeks/Open Water	11 acres
2. Brackish Marsh Complex	38 acres
3. Bottomland Hardwood Forest	102 acres
4. Herbaceous Assemblage	253 acres
5. Scrub-Shrub Assemblage	202 acres
6. Pine Plantation	514 acres
7. Hardwood Forest	508 acres
8. Mixed Pine-Hardwood Forest	564 acres
9. Pine Forest	195 acres
10. Ponds	<u>19 acres</u>
Total	2,408 acres*

\* Amounts have been rounded to the nearest acre

### Other Coordination

A public scoping meeting was held on February 28, 2001, and an interdisciplinary Review Team (Review Team) comprised of representatives from other state and federal regulatory and commenting agencies, environmental advocacy groups, the applicant, and CZR Incorporated (CZR) (third party consultant to the Corps in accordance with RGL-05-08). The review team was established to identify major issues to be addressed in the EIS and to provide input on potential alternatives to be explored and potentially evaluated. As appropriate, the COE will initiate consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act and the Fish and Wildlife Coordination Act, and with the National Marine Fisheries Service under the Magnuson-Stevens Act and Endangered Species Act. The Corps is coordinating with the North Carolina Division of Water Quality (NCDWQ) to ensure the Draft EIS has assessed the potential water quality impacts pursuant to Section 401 of the Clean Water Act and with the North Carolina Division of Coastal Management (NCDQM) to determine the projects consistency with the Coastal Zone Management Act. The Corps is also coordinating with the NCDQM and NCDWQ in the development of the EIS to ensure the process complies with State Environmental Policy Act (SEPA) requirements, as well as the NEPA requirements. The Draft EIS has been designed to consolidate both NEPA and SEPA processes to eliminate duplications.

A more detailed description of the coordination process and the potential impacts to Endangered Species, Essential Fish Habitat and Cultural Resources is provided in the draft EIS.

### Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be

considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

### **Commenting Information**

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

A Public Hearing on this project and the DEIS will be held at Southside High School located at 5700 Highway 33 East, Chocowinity, Beaufort County, NC on December 14, 2006 at 6:30 P.M.

Written comments pertinent to the proposed work, as outlined above, and the DEIS will be received by the Corps of Engineers, Wilmington District, until 5pm, January 27, 2007. Comments should be submitted to U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. ATTN: File Number 2001-10096, Post Office Box 1890, Wilmington, NC 28402-1890. Questions about the proposed action and DEIS can be directed to Mr. Tom Walker, Project Manager, Regulatory Division, telephone: (828) 271-7980 extension 222.